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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,132	01/20/2004	Michiaki Sasaki	50195-411	6666

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McDERMOTT, WILL & EMERY
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Washington, DC 20005-3096

EXAMINER

ZANELLI, MICHAEL J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,132

Applicant(s)

SASAKI ET AL.

Examiner

Michael J. Zanelli

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the amendment filed 8/18/05. Claims 1-4 and 6-11 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 2-4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. As per claim 2, the claim is unclear as to what is meant by "naturalize static electricity".
 - B. As per claim 9, "the positive electrode and the negative electrode of the ion generator" lacks antecedence. Note this limitation is introduced in claim 7.
 - C. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.
4. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi (JP2002178859) in view of Yehl et al. (EP0380037A3).
 - A. As per claims 1, 2 and 11, Tatsumi discloses a vehicular neutralization apparatus as essentially shown in Figs. 1 and 2 which comprises an ion generator (8) and a controller (7) which operate to generate ions into the vehicle passenger compartment in order to neutralize static electricity. As shown in Fig. 2, the ion generator(s) may be disposed in various locations in and around the vehicle in order to interact with passengers as they enter/exit the vehicle (Abs). The claimed invention differs only in the location of the ion generator; namely, "in at least a vicinity of a room lamp mounted to a

central area of a roof of the vehicle". Tatsumi shows placing ion generators around the door handles, ignition switch and/or window frame. However, at paragraph [0050] Tatsumi states that the disclosed invention is not limited to locating the ion generator(s) as specifically shown, but may be located at other parts of the vehicle relative to entering/exiting the vehicle. One of ordinary skill in the art would have been motivated to locate the ion generator(s) at other locations in the vehicle.

B. Yehl discloses an apparatus for controlling the generation of ions into the passenger compartment of a vehicle whereby the ion generator(s) may be located in the roof area of the vehicle (Fig. 1A). As noted in col. 6, line 55 to col. 7, line 5, the ion generator may be positioned in the roof area to maximize impingement on the vehicle passenger. It would have obvious to one of ordinary skill in the art to locate the ion generator(s) in other areas of the vehicle as suggested by Tatsumi, including the roof area of the vehicle as taught by Yehl.

C. As per claims 3 and 4, as above whereby Tatsumi discloses providing various sensors for detecting the occupant getting on and off the vehicle, including door handle sensors, seat sensors, ignition sensors, etc. (Abs.; [0017]).

D. As per claim 6, as noted above whereby Tatsumi discloses that one can locate the ion generator(s) in other parts of the vehicle where contact between the occupants and generated ions occurs as the occupants enter/exit the vehicle. Again, Yehl suggests placing ion generators in the roof area to maximize impingement with the occupants.

Art Unit: 3661

E. As per claims 7-9, as above whereby Tatsumi discloses providing positive and negative electrodes [0024] whereby the mounting and spacing of the electrodes would have been dependent on the type of vehicle and maximum efficiency.

F. As per claim 10, as above whereby Tatsumi discloses operating the ion generators for a time interval after entering/exiting the vehicle [0026].

5. **REMARKS**

A. As per claim 9, applicant has not corrected the antecedence as noted in the first Office action. The examiner suggests changing the dependency to claim 7.

B. With regards to the amended claim language, the examiner does not see a patentable distinction between the claims as originally presented and the claims as amended. In particular, the phrase “in the vicinity of” is highly subjective and could include a wide range of positions on the vehicle roof. As noted above one could reasonably argue that Fig. 1A of Yehl shows the ion generator “in the vicinity” of a centrally located dome light, albeit the drawing only illustrates a portion of the vehicle roof. The “unexpected” advantages regarding using only one ion generator and sharing the lamp’s power source are unsupported by the claim language. The claim states “at least one” ion generator which does not exclude more than one. Further, the claims do not establish a mechanical and/or electrical connection with the lamp such that a power source is shared therebetween. Even if such a connection was established, one of ordinary skill in the art would have found it obvious to utilize any convenient source of power available whereby the interior design of the vehicle would have been a determining factor.

Art Unit: 3661

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

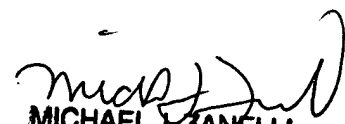
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz


MICHAEL J. ZANELLI
PRIMARY EXAMINER